

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 2344(c) and 18 U.S.C. § 981(a)(1)(A).

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1335. Venue is proper pursuant to 28 U.S.C. § 1335.

The defendant property being forfeited is described as follows:

- 1) Proceeds in the amount of \$75,000.00 from the interlocutory sale of the defendant cigarettes; and,
- 2) All United States currency funds or other monetary instruments credited to account number XXXXXX6754, in the amount of \$173,492.07, in the name of Lyles II Smoke

1 Shop/Lyle S. Conway, obtained from Fife
 2 Commercial Bank, in Fife, Washington.

3 All but a representative sample of the cigarettes were sold
 4 pursuant to an Order for interlocutory sale filed in MC-03-0012, on
 5 September 30, 2003. The proceeds from said sale, \$75,000.00, are
 6 being held in the U.S. Customs Accounting Services Division
 7 suspense account pending further order of the Court.

8 On January 29, 2004, Lyle S. Conway d/b/a/ Lyle's II Smoke
 9 Shop was served via certified mail with copies of the Verified
 10 Complaint for Forfeiture In Rem, and Notice of Complaint for
 11 Forfeiture, in the above-entitled matter, as evidenced by the
 12 Certificate of Service of Notice by Mail filed with the Court on
 13 January 29, 2004. To date, Lyle S. Conway d/b/a/ Lyle's II Smoke
 14 Shop has not filed a claim or an answer in this case.

15 On January 29, 2004, Alicia Bailey-Conway, was served via
 16 certified mail with copies of the Verified Complaint for Forfeiture
 17 In Rem, and Notice of Complaint for Forfeiture, in the above-
 18 entitled matter, as evidenced by the Certificate of Service of
 19 Notice by Mail filed with the Court on January 29, 2004. To date,
 20 Alicia Bailey Conway has not filed a claim or an answer in this
 21 case.

22 On January 29, 2004, Attorney Stone Grissom was served via
 23 certified mail with copies of the Verified Complaint for Forfeiture
 24 In Rem, and Notice of Complaint for Forfeiture, in the above-
 25 entitled matter, as evidenced by the Certificate of Service of
 26 Notice by Mail filed with the Court on January 29, 2004.

27 The Notice of Complaint was published on February 19, 26 and
 28 March 4, 2004, in the Tacoma Daily Index, a newspaper of general
 circulation in Pierce County, Washington, as evidenced by the TDF-
 Final Order of Forfeiture -2-

1 90 form filed with the Court on March 22, 2004. Rule C of the
 2 Supplemental Rules for Certain Admiralty and Maritime Claims, Fed.
 3 R. Civ. P., and 18 U.S.C. § 983(a)(4)(A), require that claimants
 4 file a claim within thirty (30) days after final date of
 5 publication of the Notice of Complaint for Forfeiture, or within
 6 thirty (30) days after service of the complaint, whichever occurs
 7 first. At the latest this 30-day period expired on March 22, 2004.

8 On April 20, 2006, Lyle S. Conway entered into a Plea
 9 Agreement, filed with the Court on May 16, 2006, in United States
 10 v. Lyle S. Conway, Court Case No. CR-04-2131-RHW, and in United
 11 States v. Lyle S. Conway, Court Case No. CR-05-2099-RHW-5, in
 12 which Lyle S. Conway agreed to the forfeiture of the property
 13 without further notice.

14 On July 10, 2006, Lyle S. Conway d/b/a Lyle's II Smoke Shop
 15 entered into a Stipulation for Order of Forfeiture of the defendant
 16 property, filed with the Court on July 20, 2006. In said
 17 stipulation, the United States agreed to acknowledge Lyle S.
 18 Conway's interest in the defendant cigarettes and bank account,
 19 although Lyle S. Conway did not file a claim or answer.

20 On July 18, 2006, Attorney Allen R. Bentley filed a Notice of
 21 Appearance in this case.

22 It appearing to the Court that the interest of Lyle S. Conway
 23 d/b/a Lyle's II Smoke Shop has been resolved by the entry of the
 24 Stipulation for Order of Forfeiture, filed with the Court on July
 25 20, 2006; and the United States v. Lyle S. Conway, Court Case No.
 26 CR-04-2131-RHW, and in United States v. Lyle S. Conway, Court Case
 27 No. CR-05-2099-RHW-5, filed with the Court on May 16, 2006;

It further appearing to the Court that no claims have been made to the defendant property;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the \$75,000.00 in proceeds from the interlocutory sale of the defendant cigarettes; and the \$173,492.07 U.S. Currency from Fife Commercial Bank Account Number XXXXXX6754, are hereby forfeited to the United States of America, and no right, title, or interest shall exist in any other person.

IT IS FURTHER ORDERED that the forfeited property shall be disposed of in accordance with law by the United States.

DATED this 8th day of August, 2006.

s/ Fred Van Sickle
Fred Van Sickle
United States District Judge

Presented by:

James A. McDevitt
United States Attorney

s/Jane Kirk

Jane Kirk
Assistant United States Attorney